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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/358,933	07/23/1999	AKIHIRO KOHNO	35.G2429	2145
5514	7590	09/19/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LEE, RICHARD J	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/358,933	<b>Applicant(s)</b> KOHNO ET AL.	
	<b>Examiner</b> Richard Lee	<b>Art Unit</b> 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5-8,12-15,19-22 and 26-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5-8, 12-15, 19-22, 26-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The applicants are informed that the faxed amendment filed July 6, 2005 to the Office shows a vertical line on pages 9-21, respectively. Claims 26-36 are affected but only a small portion of the text for the respective claims are distorted. The Examiner is however able to make out what is being claimed, and due to compact prosecution the following Office Action is being issued. The applicants are however required to submit a clean copy of the claims in response to this Office Action.

2. The applicants' arguments from the amendment filed July 6, 2005 have been noted and considered, but are deemed moot in view of the following new grounds of rejections.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 5-8, 12-15, 19-22, and 26-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The particular features of the display unit to display a symbol indicating ... a non-updating state, and a non-reception state ... causes display of the symbol in a second condition corresponding to the non-updating state when currently displayed frame image is not updated by a next frame image, and causes the display of no symbol corresponding to the non-reception state when the received frame images are not display" as claimed in claims 1, 8, 15, 22, 29-31, 35, and 36 are not fully supported by the Specification. The Specification teaches at most with reference

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to Figures 7 and 15, and at pages 28-29, that when an image from the camera represented by camera icon 62c for example is displayed on the image display region 66c, image information display region 66j corresponding to the region 66c also displays image information. The image information is provided in the form of a flashing icon every time an image for one frame is transmitted from camera 16 corresponding to image display region 66c. There is no disclosure in the Specification of displaying a symbol indicating the non-updating state and a non-reception state, causing the display of a symbol indicating a non-updating state, and causing the display of no symbol for the non-reception state as claimed.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5, 7, 8, 12, 14, 15, 19, 21, 22, 26, 28-32, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonezawa of record (6,271,805) in view of Aoki et al (5,424,772).

Yonezawa discloses a communication apparatus and method as shown in Figure 1, and substantially the same communication apparatus and method, and computer readable storage medium storing a computer executable program as claimed in claims 1 5, 7, 8, 12, 14, 15, 19, 21, 22, 26, 28-32, and 34-36, comprising substantially the same reception unit/process code for receiving frame images generated from image generation units of a plurality of corresponding communications terminals by switching the frame images (60, fig. 1, fig. 2, fig. 15, see col. 6, lines 18-24, col. 10, lines 43-53); an output unit/process code for outputting the frame images

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received by the reception unit in order to display the frame images on a display unit as multiple image displays (see 610, 612, 614, 616, 618, 620 of fig. 3, col. 4, line 18-26, line 58 to col. 5, line 13, fig. 6, col. 5, line 14 to col. 6, line 40, col. 7, line 66 to col. 8, line 10, col. 10, lines 43-53, fig. 15); assigning unit for assigning an arbitrary image display from among the multiple image displays, and a control unit for controlling a state of outputting the frame image display assigned by the assigning unit (see col. 5, line 17 to col. 6, line 6).

Yonezawa does not particularly disclose, though, a notification unit for causing the display unit to display a symbol indicating an update state of the received frame images, wherein the update state includes at least an updating state, a non-updating state, and a non-reception state, and wherein the symbol is displayed on a predetermined area at a time when the corresponding frame image is displayed, the notification unit causes display of the symbol in a first condition of a flashed icon corresponding to the updating state when a currently displayed frame image is updated by a next frame image, causes display of the symbol in a second condition corresponding to the non-updating state when the currently displayed frame image is not updated by a next frame image, and causes the display of no symbol corresponding to the non-reception state when the received frame images are not displayed, wherein the symbol is an icon indicating a corresponding one of the plurality of communication terminals as claimed in claims 1, 5, 7, 8, 12, 14, 15, 19, 21, 22, 26, 28-32, 34, and 36. However, Aoki et al discloses a mode changing device for still video camera, and teaches the conventional use of the display of an icon to indicate the status of a playback operation of the camera (see column 4, lines 19-36, column 25, lines 42-65), wherein a flashing icon is used to indicate a stand-by condition (i.e., stand-by corresponds to a non-updating state), and wherein a fully illuminated icon is used for

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the playback of video (i.e., playback of video corresponds to an updating state). It is to be noted that Aoki et al teaches a flashing icon display for a non-updating state and a fully illuminated icon for the updating state, and not the particular display of the symbol in a first condition of a flashed icon corresponding to the updating state when a currently displayed frame image is updated by a next frame image, and display of the symbol in a second condition corresponding to the non-updating state when the currently displayed frame image is not updated by a next frame image as claimed. Such differences between the claimed invention and Aoki et al do not show non-obviousness since one skilled in the art would recognize that the particular different icon displays may be provided for any desire purpose and are only a matter of design preference so long as the intended purpose of providing an indication to the view is achieved. Hence it is considered obvious to modify Aoki et al by using the flashing icon display for the updating state and the fully illumination icon (second condition) for the non-updating state. Further, to not display any symbol corresponding to the non-reception state when the receive frame images are not displayed as claimed is however considered inherent if not obvious since there would be no need to display the frame rate or any other information corresponding to the frame images when the received images are not displayed. Therefore, it would have been obvious to one of ordinary skill in the art, having the Yonezawa and Aoki et al references in front of him/her and the general knowledge of the particular notification and display of icon symbols, would have had no difficulty in providing the notification unit for displaying a flashing icon symbol corresponding to an updating state when a currently displayed frame image is updated by a next frame image, displaying of a symbol in a second condition via a fully illuminated icon corresponding to a non-updating state when the currently displayed frame image is not updated by a next frame image as

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taught in the modified Aoki et al for as well as the inherent if not obvious no symbol display when the received frame images are not displayed for the system of Yonezawa the for the same well known notification and display of different symbol icons for the notification purposes as claimed.

7. Claims 6, 13, 20, 27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yonezawa and Aoki et al as applied to claims 1, 5, 7, 8, 12, 14, 15, 19, 21, 22, 26, 28-32, and 34-36 in the above paragraph (6), and further in view of Yamaashi et al of record (5,621,429).

The combination of Yonezawa and Aoki et al discloses substantially the same communication apparatus and method, and computer readable storage medium storing a computer executable program as above, but does not particularly disclose wherein the notification unit does not perform notification when the frame rate is high, and performs notification when the frame rate is reduced as claimed in claims 6, 13, 20, 27, and 33. However, Yamaashi et al teaches keeping track of the “frame rate” of the received image data, i.e. the state of distribution, based on the bandwidth capacity, and the changes in the display information in accordance to the bandwidth capacity, as well as notifying and changing the display information in accordance to high and low priority of image area interests, which is substantially equivalent or has the capacity to perform notification in accordance to high or reduced frame rate as claimed (see Abstract, col. 7, line 24-38, line 64 to col. 8, line 18, col. 8, line 28-47, col. 12, line 34 to col. 13, line 12, line 57 to col. 14, line 11). Although Yamaashi et al does not recommend not performing a notification when the frame rate is high, only when the frame rate is low, it is viewed that such added feature would have been an obvious variant to achieve a desirable effect

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since Yamaashi et al already has the framework for performing a notification based on a frame rate. Therefore, taking the combined teachings of Yonezawa, Aoki et al, and Yamaashi as a whole, one skilled in the art would have found it obvious to modify the system of Yonezawa and Aoki et al to include notification and changes to the display state in accordance to the frame rate as claimed. Doing so would have resulted in more flexibility and efficiency in bandwidth capacity and also flexibility in changing display states of image information as taught in Yamaashi (col. 2, lines 5-9).


8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (571) 272-7333. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

  
RICHARD LEE  
PRIMARY EXAMINER

Richard Lee/rl



9/9/05